

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. CV 22-4418 JFW (PVC) Date: October 31, 2022

Title Richard English v. Eric Garcetti, et al.

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Present: The Honorable Pedro V. Castillo, United States Magistrate Judge

Marlene Ramirez

Deputy Clerk

None

Court Reporter / Recorder

Attorneys Present for Plaintiff:

None

Attorneys Present for Defendants:

None

**PROCEEDINGS: [IN CHAMBERS] ORDER TO SHOW CAUSE WHY THE  
MAGISTRATE JUDGE SHOULD NOT RECOMMEND THAT  
THIS ACTION BE DISMISSED FOR FAILURE TO  
PROSECUTE**

On June 27, 2022, Plaintiff, proceeding *pro se*, filed a civil rights complaint against multiple Defendants. (Dkt. No. 1). On July 1, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP). (Dkt. No. 6). On July 5, 2022, Plaintiff filed a First Amended Complaint. (Dkt. No. 7). On July 29, 2022, the Court granted Plaintiff's application for pro se electronic filing. (Dkt. No. 13). On July 19, 2022, the Court screened the First Amended Complaint, found it deficient, and dismissed it with leave to amend. (Dkt. No. 10). On August 18, 2022, Plaintiff filed a Second Amended Complaint. (Dkt. No. 15).

On September 26, 2022, the Court issued a Memorandum and Order Dismissing Second Amended Complaint with Leave to Amend due to various pleading defects. (Dkt. No. 16). Plaintiff was required to file either a Third Amended Complaint or Notice of Intention to Stand on Defective Second Amended Complaint by October 26, 2022, if he still wished to pursue this action. (*See id.* at 25–26). The Court expressly warned Plaintiff that the failure to file either an amended complaint or a notice of intention to stand on defective complaint by the Court's deadline would result in a recommendation

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that this action be dismissed with prejudice for failure to prosecute and obey court orders pursuant to Federal Rule of Civil Procedure 41(b). (*See id.* at 25). The deadline has expired, and Plaintiff has failed to file either document or request an extension of time in which to do so.

Accordingly, Plaintiff is ORDERED TO SHOW CAUSE, within **14 days** of the date of this Order, why the Magistrate Judge should not recommend that this action be dismissed with prejudice for failure to prosecute. Plaintiff may discharge this Order by filing either: (1) a Third Amended Complaint, curing the deficiencies of the Second Amended Complaint; (2) a Notice of Intention to Stand on Defective Complaint; **or** (3) a declaration under penalty of perjury stating why he is unable to do so.

If Plaintiff no longer wishes to pursue his claims, he may request a voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a). **A Notice of Dismissal form is attached for Plaintiff's convenience.** Plaintiff is again warned that the failure to timely file a response to this Order will result in a recommendation that this action be dismissed with prejudice for failure to prosecute and obey court orders pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Initials of Preparer

00:00

mr

	CASE NUMBER
v.	
Plaintiff(s),	
Defendant(s).	<b>NOTICE OF DISMISSAL PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 41(a) or (c)</b>

☐ This action is dismissed by the Plaintiff(s) in its entirety.

☐ The Counterclaim brought by Claimant(s) \_\_\_\_\_ is dismissed by Claimant(s) in its entirety.

☐ The Cross-Claim brought by Claimants(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.

☐ The Third-party Claim brought by Claimant(s) \_\_\_\_\_ is dismissed by the Claimant(s) in its entirety.

☐ **ONLY** Defendant(s) \_\_\_\_\_

The dismissal is made pursuant to F.R.Civ.P. 41(a) or (c).

*Signature of Attorney/Party*

*F.R.Civ.P. 41(c): Counterclaims, cross-claims & third-party claims may be dismissed before service of a responsive pleading or prior to the beginning of trial.*